

From: [Janette Brimmer](#)
To: Szelag.Matthew@epamail.epa.gov
Subject: RE: FOIA follow-up
Date: Friday, August 17, 2012 3:44:05 PM

Thanks Matt!

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Because the earth needs a good lawyer

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From: Matthew Szelag [<mailto:Szelag.Matthew@epamail.epa.gov>]
Sent: Friday, August 17, 2012 3:42 PM
To: Janette Brimmer
Subject: RE: FOIA follow-up

Hi Janette,

I've done some searching through old emails and our shared drive/files and I've only found a few documents which I've attached. I spoke with both of the previous WQS coordinators for Washington and neither of them had any additional documents/emails or recollection of written communication between us and Ecology on fish consumption rates.

You are of course welcome to submit a new FOIA request on the topic, but I think it's unlikely the Office of Water has any other documents that would be responsive.

Let me know if you want to discuss further. Thanks,

(See attached file: 8-4-10 email.pdf)(See attached file: state FCRs.xls)(See attached file: BL Comments SAB_March '07_Fish C Rate_Policy & Technical Issues (2).doc)

Matthew Szelag
US EPA Region 10
1200 Sixth Ave, Suite 900
Seattle, WA 98101
Phone: 206-553-5171

▼ Janette Brimmer ---08/16/2012 03:10:01 PM---Great—thanks for the sleuthing. Janette Brimmer

From: Janette Brimmer <jbrimmer@earthjustice.org>
To: Matthew Szelag/R10/USEPA/US@EPA
Date: 08/16/2012 03:10 PM
Subject: RE: FOIA follow-up

Great—thanks for the sleuthing.

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From: Matthew Szelag [<mailto:Szelag.Matthew@epamail.epa.gov>]

Sent: Thursday, August 16, 2012 3:01 PM

To: Janette Brimmer

Subject: Re: FOIA follow-up

Hi Janette,

Let me do some searching through our files. I've already contacted a few people that used to work in the Office of Water that I thought could have correspondence, but it doesn't look like they would have any documents related to such a request. I suspect we would have very few, if any, documents since we didn't really start talking much about fish consumption rates with Ecology until the triennial review process began. I'm almost certain there was no formal correspondence between Ecology and EPA on the topic. It sounds like most of the correspondence prior to 2010 was verbal and along the lines of Washington waiting to see how the Oregon process went.

If I find only a small amount of responsive documents, I should be able to provide them to you outside a formal FOIA request. I should be able to spend some time on this tomorrow so I can probably get a better idea of what we may have by the end of tomorrow or early next week. Does that sound like a good plan? Feel free to give me a call if you want to discuss.

Also, I think our final response to your original FOIA is going in the mail today, so you should be receiving that shortly.

Thanks,

Matthew Szelag
US EPA Region 10
1200 Sixth Ave, Suite 900
Seattle, WA 98101
Phone: 206-553-5171

▼ Janette Brimmer ---08/15/2012 03:33:33 PM---Hi Matt: I finally got Lotus Notes loaded onto my computer and am working my way through EPA's rece

From: Janette Brimmer <jbrimmer@earthjustice.org>
To: Matthew Szelag/R10/USEPA/US@EPA
Date: 08/15/2012 03:33 PM
Subject: FOIA follow-up

Hi Matt: I finally got Lotus Notes loaded onto my computer and am working my way through EPA's recent FOIA response. Unfortunately, since I made the original request in May, my interest/concerns/thinking on this has shifted a little and I am also interested in probing a little further back in time (but on a much narrower set of questions.) Basically, the May FOIA request went back as far as October of 2010 and was primarily focused on triennial review and many different conversations between EPA and many other parties. I would now like to push the inquiry back, maybe as far as 2006 (eek, I know), but make the request narrow (if that helps.) I am looking only for things that EPA communicated to Ecology regarding the fish consumption rate.

I can put this in a new formal FOIA request---any idea how long it will take to get a response?

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